

Application No. 09/916,640
Filed: July 26, 2001
TC Art Unit: 2872
Confirmation No.: 8480

REMARKS

Claims in the application have been rejected as anticipated by or obvious over certain prior art references. Furthermore, the drawings have been objected to. These rejections and objections are respectfully traversed for the reasons indicated below, and reconsideration is requested.

Objections to the Drawings

The specification has been amended to refer to reference numeral "612," as shown in Fig. 6B, as suggested by the Examiner. The Applicant submits that the indicated amendment is supported by Fig. 6B and no new matter has been added.

Claims 28, 29, 47 and 48 have been cancelled and are not replaced by any of the new claims. Therefore, the Applicant submits that the drawings objections in relation to those claims have been made moot.

Claim rejections for anticipation

The recited claims have been rejected as anticipated by US patents to Spitzberg and to Elkind. Replacement claim 61 and claims 62-73 dependent thereon are directed to:

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A spectacle system providing both magnified and non-magnified distance vision to a user, said system comprising:

a spectacle lens having a vision axis, said spectacle lens comprising a first surface and a second surface; and

four or more optical elements comprising a telescope and defining an optical path for viewing an object in front of said spectacle lens, at least two of said optical elements being positioned such that at least a portion of said optical path is located within said spectacle lens between said first and second surfaces and is substantially orthogonal to said vision axis,

wherein said optical elements comprising said telescope occupy only a portion of said spectacle lens, wherein said portion of said spectacle lens occupied by said telescope provides said magnified distance vision and a portion of said spectacle lens not occupied by said telescope provides said non-magnified distance vision, and wherein said user can simultaneously or alternately view said object through said portion providing said magnified distance vision and said portion providing said non-magnified distance vision.

The Applicant submits that as neither Spitzberg nor Elkind discloses all the features of the replacement claims, they cannot anticipate the claimed invention. For example, Spitzberg is distinguishable from the invention at least in failing to teach "four or more optical elements comprising a telescope and defining an optical path for viewing an object in front of said spectacle lens, at least two of said optical elements being positioned such that at least a portion of said optical path is located within said spectacle lens between said first and second surfaces and is substantially orthogonal to said vision axis," as recited in claim

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61. Furthermore, the binocular system taught by Elkind fails to include at least the limitation "wherein said optical elements comprising said telescope occupy only a portion of said spectacle lens, wherein said portion of said spectacle lens occupied by said telescope provides said magnified distance vision and a portion of said spectacle lens not occupied by said telescope provides said non-magnified distance vision, and wherein said user can simultaneously or alternately view said object through said portion providing said magnified distance vision and said portion providing said non-magnified distance vision," as recited in claim

61. Thus, the Applicant submits that the rejection for anticipation has been overcome.

Claim rejections for obviousness

Further rejections to the claims have been made for obviousness over Spitzberg in view of David, Zapp or Carlough, and over Elkind in view of David, Zapp or Carlough. Spitzberg and Elkind have been characterized above. The Applicant submits that none of the recited secondary references overcomes the recited deficiencies of the primary references, Spitzberg and Elkind, and, thus, the rejections for obviousness have been overcome.

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The Applicant submits that all claims are in condition for allowance and such action is requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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